IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITON NO.5299 OF 2006

Ashok Kumar, Prop. of M/s.
Shivam Impex ..Petitioner.

V/s.

Union of India & Ors. ..Respondents.

Mr.V.S.nankani with Ashok Singh & Prem Rajan for petitioner.

Mrs.N.V. Masurkar for respondent Nos.1 to 3.

CORAM : H.L.GOKHALE AND
J.P.DEVADHAR, JJ.

DATED : 24TH AUGUST, 2006.

P.C. :-

. Heard Mr,Nankani in support of the petition. Mrs.Masurkar appears for respondents.

2. Petitioner has imported ball bearings and the dispute between the petitioner and the respondent No.3 is essentially about the price at which the goods should be assessed. Petitioner is insisting on the transaction value; whereas the respondents are relying upon the assessment which has been done earlier on similar imports.

3. The grievance of the petitioner is that these goods are lying with the Port Trust and demurrage

is mounting up. He is keen for a provisional assessment. In view thereof, the respondent No.3 to proceed to provisionally assess the goods that have been imported. Respondent No.3 to provisionally assess the goods by Monday i.e. 28th August, 2006. Thereafter, the respondent No.3 to issue notice for the regular assessment and the regular assessment as well be decided within 3 weeks thereafter.

4. We note that the respondents have filed their affidavit in reply and it will be open to them to pass the assessment order in the light of the reply filed by them.

5. Petition is disposed of in the above terms with no order as to costs.

(H.L.GOKHALE, J.)

(J.P.DEVADHAR, J.)